ಶ್ರೀ ಪಾಟಾಳ್ ನಾಗರಾಜ್.—ಸ್ವಾಮಿ, ಇಲ್ಲಿ ರೂಲಿಂಗು ಕೊಡುತ್ತೀನೆ ಎಂದು ಹೇಳುತ್ತಿದ್ದೀರಿ. ಆದರೆ ಇಲ್ಲಿ ಇದರ ಬಗ್ಗೆ ಮಾನ್ಯ ಸದಸ್ಯರ ಅಭಿಪ್ರಾಯವೇನು ಎನ್ನುವುದನ್ನು ಮೊದಲು ತಿಳಿದುಕೊಂಡು ಆನಂತರ ರೂಲಿಂಗನ್ನು ಕೊಡುವುದು ನೂಕ್ತ.

ಅಧ್ಯಕ್ಷರು.—ನಾನು ಇವೊತ್ತೇ ಇಲ್ಲಿ ರೂಲಿಂಗು ಕೊಡುತ್ತೀನೆ.

Sri B. P. GANGADHAR.—Sir, there is another important matter in which I am personally involved, I want your kind instructions whether I have to appear before the Commission or not. You had asked me to move a Motion and I have brought it in the form of a Motion.

Mr. SPEAKER.—It has not come to my notice yet.

Sri B. P. GANGADHAR.—Sir, I have sent it; it is before you. I request you kindily to take it up. I have to go and give evidence. If you say that I should not go. I won't go. It is a matter touching me personally.

NOTICE OF PRIVILEGE BY SRI M. NAGAPPA

Mr. SPEAKER.—I am giving the Ruling on the Privilege Motion regarding Notification No. SO. 724 laid on the Table by the Hon'ble Minister for Development, with regard to the Gadag Co-operative Cotton Sale Society, Ltd., Gadag, Dhrwar District.

Sri M. NAGAPPA (Raichur).—Sir, I rise to a Point of Order.

Mr. SPEAKER.—No Point of Order can be raised when the Ruling is given. That point has been sufficiently discussed and arguments were advanced on both sides.

Sri D. B. KALMANKAR (Aland).—The discussion is being shut out. Let the matter be discussed threadbare.

Sri AZIZ SAIT (Narasimharaja)—Before the Rul;ng is given, I request the Chair to bear with the Member, let him have his say on the Point of Order he has raised. The Hon'ble Chair may proceed to give the Ruling afterwards. Without knowing what the hon'ble Member says if the Chair gives the Ruling, there may be no justice.

Mr. SPEAKER.—Hon'ble Member Sri Nagappa can explain his point briefly just to convince the Chair whether it should give any consent or not.

Sri H. SIDDAVEERAPPA (Harihara).—Sir, on this point you have already stated that there is no Point of Order; you have already prejudged the issue as it is. How could you revise it after hearing the argument? If the Chair could revise its opinion, it is welcome.

Mr. SPEAKER.—I assure all the members that I have an open mind.

† ಶ್ರೀ ಎಂ. ನಾಗೆಪ್ಪ.—ಸ್ವಾಮಿ, ನಾನು ಈ ಸಭೆಯ ಗಮನಕ್ಕೆ ತರುವ ವಿಷಯವೇನು ಎಂದರೆ ಇಲ್ಲಿ ಮಾನ್ಯ ಮಂತ್ರಿಗಳಾಗಿರುವ ಶ್ರೀಮಾನ್ ಪಿ. ಎಂ. ನಾಡಗೌಡರು ಕೋ-ಆಪರೇಷನ್ ಮಂತ್ರಿಗಳಾಗಿ ಕ್ಯಾಬಿನೆಟಿಗೆ ಜಾಯಿಂಟ್ ರೆಸ್‌ಪಾನ್ಸಿಬಲಿಟಿಯಮೇರೆ ಒಂದು ನೋಟಿಫಿಕೇಷನ್ನು ಈ ಸಭೆಯಲ್ಲಿ ಮಂಡಿಸುವುದಕ್ಕೆ ಪ್ರಯತ್ನ ಮಾಡಿದ್ದಾರೆ. ಆ ನೋಟಿಫಿಕೇಷನ್ ಹೊರಟಿರತಕ್ಕ ತಾರಿಖು : 1-5-1968. ಆ ನೋಟಿಫಿಕೇಷನ್ನಿನಲ್ಲಿ ಹೇಳಿರುವ ಪ್ರಕಾರ 1959ನೇ ಮೈಸೂರು ರಾಜ್ಯದ ಸಹಕಾರ ಸಂಘಗಳ ಕಾಯಿದೆಯ ಸೆಕ್ಷನ್—121, 54, 19 ಪ್ರಕಾರ ಅದನ್ನು ಮಾಡ ಲಾಗಿದೆ ಎಂದು ಅದರಲ್ಲಿ ಉಲ್ಲೇಖನವಾಗಿದೆ. ಆದರೆ ಆ ಕಾಯಿದೆಯಲ್ಲಿ ಇರತಕ್ಕ ಸೆಕ್ಷನ್ 29ರಲ್ಲಿ ಹೇಳಿರುವ ಪ್ರಕಾರ ಸರ್ಕಾರಕ್ಕೆ ಇರತಕ್ಕ ಅಧಿಕಾರ ಎಷ್ಟೆಂದರೆ one-third of the total number of Members or 3, ಅಂದರೆ ಮೂರು ಜನರನ್ನು ಉಳ್ಳ ಒಂದು ನಿರ್ದೇಶಕರ ಸಮಿತಿಯಲ್ಲಿ ಆ ಮೂವರನ್ನೂ ಡೈರೆಕ್ಟರಾಗಿ ನಾಮನಿರ್ದೇಶನ ಮಾಡತಕ್ಕ ಅಧಿಕಾರ ಮಾತ್ರ ಇದೆ ಎಂದು ಕಾಯಿದೆಯಲ್ಲಿ ಹೇಳಿದೆ. ಆದರೆ ಮಾನ್ಯ ಮಂತ್ರಿಗಳು ತಮ್ಮ ಬಲಕ್ಕೆ 54 ಮತ್ತು 121 ನೇ ಸೆಕ್ಷನ್‌ಗಳನ್ನು ಬಳಸಿಕೊಂಡು ಈಗ ಆ ಮೂರಕ್ಕೆ ಬದಲಾಗಿ 16 ಜನರನ್ನು ನೇಮಕ ಮಾಡತಕ್ಕ ಒಕ್ಕೆ ಸೆಕ್ಷನ್ 29ನ್ನು ತಿದ್ದುಪಡಿ ಮಾಡಬೇಕೆಂದು ಈಗ ಹೊರಡಿಸಿರತಕ್ಕ ಆ ನೋಟಿಫಿಕೇಷನ್ನಿನಲ್ಲಿ ತಿಳಿಸಿದೆ. ಆದರೆ ಹಾಗೆ 3 ಇದ್ದದ್ದನ್ನು 16ಕ್ಕೆ ತಿದ್ದುಪಡಿ ಮಾಡತಕ್ಕ ಅಧಿಕಾರವನ್ನು ಈ ಸಭೆಯವರು ಸರ್ಕಾರಕ್ಕೆ ನೀಡಿಲ್ಲ. ಆದರೆ 1964ರಲ್ಲಿ ಆದ ಒಂದು ತಿದ್ದುಪಡಿಯ ಪ್ರಕಾರ ಸೆಕ್ಷನ್ 54, 121, 19; ಮತ್ತು 129 ಇವ್ಕನ್ನೂ ಒಟ್ಟಿಗೆ ಸೇರಿಸಿ ಓದಿದರೆ ಆ ತಿದ್ದುಪಡಿಯ ಪ್ರಕಾರ ಸರ್ಕಾರಕ್ಕೆ ಕೊಟ್ಟಿರತಕ್ಕ ಅಧಿಕಾರ ಅದರ ಲಿಮಿಟ್ ಮೂರಕ್ಕಿಂತ ಹೆಚ್ಚಾಗಿ ನೇಮಕ ಮಾಡಬಹುದು ಎಂದು ಇರುವುದರಿಂದ ಈ ಮೂರನೆ ಒಂದು ಬಾಗ ಎಂಬುದನ್ನು ಬದಲಾವಣೆ ಮಾಡಬೇಕಾಗಿದೆ ಎಂದು ನೋಟಿಫಿಕೇಷನ್ ಹೊರಡಿಸಿದ್ದಾರೆ. ಆದರೆ ಹಾಗೆ ಅದನ್ನು ಬದಲಾವಣೆ ಮಾಡುವುದಕ್ಕೆ ಸೆಕ್ಷನ್ 29ರ ಪ್ರಕಾರ ಸರ್ಕಾರಕ್ಕೆ ಅಧಿಕಾರವಿಲ್ಲ. ಆ ಅಧಿಕಾರವನ್ನು ಈ ಮನೆ ಇಟ್ಟುಕೊಂಡಿದೆ. ಕೆಲವು ಡೆಲಿಗೇಷನ್ ಆಫ್ ಪವರ್ಸ್‌ನ್ನು ಎಕ್ಸಿಕ್ಯೂಟೀವ್ ಗವರ್ನಮೆಂಟಿಗೆ ಕೊಡುವುದು ಪದ್ಧತಿ. ಎಂತಹ ಕಾರ್ಯಗಳು ಎಂದರೆ ಸಾಧಾರಣವಾದಂತಹ ಕಾರ್ಯಗಳನ್ನು ಕೊಡುತ್ತಾರೆ. ಆದರೆ ಫೈನಾನ್ಷಿಯರ್ ಜಸ್ಟ್ಲೇಷನ್ ಅನ್ನುವುದನ್ನು ಕೊಡುವುದಕ್ಕೆ ಬರುವುದೇ ಇಲ್ಲ ಅದನ್ನು ನಾವು ಮಾಡಬೇಕು. ಇಂತಹ ಒಂದು ಅಧಿಕಾರವನ್ನು ಎಕ್ಸಿಕ್ಯೂಟೀವ್ ಗವರ್ನಮೆಂಟಿಗೆ ನಮ್ಮ ಸಭೆ ಕೊಟ್ಟಿಲ್ಲ, ಈ ಅಧಿಕಾರವನ್ನು ಸರ್ಕಾರದವರು ಉಪಯೋಗಿಸಿಕೊಂಡಿದ್ದಾರೆ. ಆದ್ದರಿಂದ ಅವರು ಆರ್ಟಿಕರ್ 246 ಪ್ರಕಾರ ಕಾಯಿದೆ ಮಾಡತಕ್ಕ ಅಧಿಕಾರವನ್ನು ನಮಗೆ ಏನು ಕೊಟ್ಟಿದ್ದಾರೋ ಅದನ್ನು ಅವರೇ ಉಪಯೋಗಮಾಡಿಕೊಂಡು ತಮ್ಮ ಒಂದು ಉದ್ದೇಶ ಕ್ಕಾಗಿ ಅಥವಾ ಸ್ವಂತ ಒಂದು ಕಾರ್ಯ ಮಾಡಿಕೊಳ್ಳಬೇಕೆಂಬ ದುರುದ್ದೇಶದಿಂದ ಇಂತಹ ಒಂದು ಕಾಯಿದೆಯನ್ನು ತಿದ್ದುಪಡಿ ಮಾಡಿದ್ದಾರೆ. ಆರ್ಟಿಕರ್ 246ರಲ್ಲಿ ಇರತಕ್ಕ ನಮ್ಮ ಅಧಿಕಾರ ವನ್ನು ಮೊಟಕು ಮಾಡಿದ್ದಾರೆ: ಆ ಅಧಿಕಾರವನ್ನು ತಾವೇ ಉಪಯೋಗ ಮಾಡಿಕೊಂಡಿದ್ದಾರೆ. ನಮಗೆ ಇರತಕ್ಕ ಅಧಿಕಾರವನ್ನು ಅವರು ಚಲಾಯಿಸಿ ಈ ಸಭೆಯನ್ನು ಅಪಮಾನಗೊಳಿಸಿದ್ದಾರೆ, ಅವರಿಗೆ ಯಾವ ತರಹದ ಅಧಿಕಾರವೂ ಇದ್ದಿಲ್ಲ ; ಹಾಗಿದ್ದಾಗ್ಯೂ ಕಾಯಿದೆ ತಿದ್ದುಪಡಿ ಮಾಡಿದ್ದು ಈ ಸಭೆಗೆ ಅಪಮಾನ, ಅಗೌರವ, ಈ ಸಭೆಗೆ ಇರತಕ್ಕ ಒಂದು ಅಧಿಕಾರವನ್ನು ಕಿತ್ತುಕೊಂಡಂತೆ ಆಗುತ್ತದೆ. ಅದಕ್ಕೋಸ್ಕರ ಈ ಪ್ರಿವಿಲೇಜ್ ಮೋಷನ್ನನ್ನು ತಮ್ಮ ಗಮನಕ್ಕೆ ತಂದಿದ್ದೇನೆ. ತನ್ನ ಹತ್ತಿರ ಇರದ ಈ ಒಂದು ಅಧಿಕಾರವನ್ನು ಸರ್ಕಾರ ಉಪಯೋಗಿಸಿದ್ದಾರೆ ಆದ್ದರಿಂದ ಈ ಸಭೆಯ ಅಗೌರವಕ್ಕೆ ಮಾನ್ಯ ಮಂತ್ರಿಗಳು ಪಾತ್ರರಾಗಿದ್ದಾರೆ ಎಂಬ ವಿಷಯವನ್ನು ಮಾನ್ಯ ಸಭೆಯ ಗಮನಕ್ಕೆ ತಂದಿದ್ದೇನೆ. ತಾವು ದಯವಿಟ್ಟು ಈ ವಿಷಯವನ್ನು ಯೋಚನೆ ಮಾಡಿ. ರೂಲ್ 177,178 ಇವೆಲ್ಲವನ್ನೂ ಅನುಸರಿಸಿ ನಾನು ನೋಟೀಸನ್ನು ಕೊಟ್ಟಿದ್ದೇನೆ. ನೋಟೀಸು ಕಾಯಿದೆ ಬದ್ಧವಾಗಿದ, ಇದು ಇಂಟರ್‌ಪ್ರಿಟೇಷನ್ ಅಂತ ತಿಳಿದುಕೊಂಡಿದ್ದರೆ ತಾವಾಗಲಿ ನಾನಾಗಲಿ ಮಾಡತಕ್ಕ ಇಂಟರ್‌ಪ್ರಿಟೇಷನ್ ಅಲ್ಲ, ಇಂಟರ್‌ಪ್ರಿಟೇಷನ್ ಮಾಡಬೇಕಾದರೆ ಅದಕ್ಕೆ ಕಾಯಿದೆ ಉಲ್ಲಂಘನೆ ಆಗಿದೆಯೇ ಇಲ್ಲವೇ ಎಂಬ ಒಂದು ಅಧಿಕಾರ ಏನು ಉಂಟು ಅದು ಮಾನ್ಯ ಸ್ಪೀಕರ್‌ರವರಿಗೂ ಇಲ್ಲ, ಈ ಸಭೆಗೆ ಉಂಟು. ಈ ಸಭೆಗೆ ಯಾವ ಮೂಲಕ ಮಾಡಬೇಕೆಂಬುದಕ್ಕೆ ಪ್ರಿವಿಲೇಜ್ ಕಮಿಟಿ ಇದೆ, ಅದನ್ನು ಈ ಸಭೆ ನೇಮಕ ಮಾಡಿರುವುದರಿಂದ ಈ ಒಂದು ಪ್ರಶ್ನೆಯನ್ನು ಅದಕ್ಕೆ ವಹಿಸಲು ಅನುಮತಿ ಕೊಡಬೇಕೆಂದು ಕೇಳುತ್ತೇನೆ. ಆ ಸಮಿತಿ ವಾಸ್ತವವಾಗಿ ಸರ್ಕಾರ ತನಗೆ ಕೊಟ್ಟ ಅಧಿಕಾರವನ್ನು ಉಪಯೋಗಿಸಿದೆಯೇ ಇಲ್ಲವೇ ಎಂಬ ವರದಿಯನ್ನು ಈ ಸಭೆಗೆ ಕೊಡುತ್ತದೆ. ಆದ್ದರಿಂದ ಇದನ್ನು ಪ್ರಿವಿಲೇಜ್ ಕಮಿಟಿಗೆ ಕಳಿಸಿಸುವುದಕ್ಕೆ ತಮ್ಮ ಅಪ್ಪಣೆಯನ್ನು ಕೊಡಬೇಕಾಗಿ ತಮ್ಮನ್ನು ಕೇಳಿಕೊಳ್ಳುತ್ತೇನೆ.

MR. SPEAKER.—Three members have given notice. I shall hear them and also hear the Hon'ble Minister. There need not be any debate on it. That is why I am requesting the Hon'ble Members to be brief.

† SRI K. H. RANGANATH (Mudigere).—Now, in addition to what Hon'ble Mr. Nagappa has said, I want to say one or two points more. Sir, the proposed notification seeks to amend the bye-law of the Co-operative Society also. As per section 12 of the Co-operative Societies Act, it is the General Body that has got the power to amend the bye-laws of that particular society and the Government has no power as such. In fact, Section 29 is sought to be amended and sub-section (1) of section 29 is sought to be retained by the said notification. But by using that power, the Government wants to amend the original Act. The power that is vested with the Government under section 121 is only a delegated and restricted power. So, under the delegated power, the executive headed by the Minister concerned has no power to amend the provisions of the Act. So, by seeking to amend the provisions of the Act, the Minister in charge of the portfolio has exceeded his jurisdiction consciously and deliberately with the purpose of taking that particular society under the control of the Government. There is another reason also which this House has to determine, *viz.*, the date on which this notification was placed on the table of this House; on that date the shares of the Government that were with the society were no longer there. Because, as I have understood, those shares were redeemable shares and the society had every power to give those shares. On the very day the notification was laid on the Table of this House, those shares were given back, consciously and deliberately with an intention to mislead the House. Therefore, what I have to say is, that this notification was issued by the Government consciously and deliberately to mislead this august House and to substantiate the allegation made. No doubt, as per section 130 of the Act, it was an obligatory duty on the part of the Government to lay this notification on the table of this House.

2-30 P.M.

But on the date of placing the notification, actually no share of the Government was with the Society. Further, that notification is struck down by the High Court. So virtually, in the eye of the law, there is no notification which can be laid before the House. Not only that, by that notification he wants to amend the Co-operative Societies Act and he wants to amend the bye-laws. He cannot do that. It is only the general body which has got powers to amend the bye-laws of the Society. It has to be approved by the Registrar and then it becomes effective. Seeking to amend the Bye-laws, the Government deliberately wants to increase their power. They have deliberately and consciously, exceeded the jurisdiction. They have mislead the House and the people saying that it is the obligatory function of Government, which should

(SRI K. H. RANGANATH)

be done under section 130. By allowing this, the Hon'ble Minister has committed a breach of this august House and this is a matter which requires to be referred to the Privileges Committee.

Mr. SPEAKER.—The only point at this stage is whether the Chair should give consent or not. If the member has any additional point, he can state it.

Sri K. P. NADAGOUDA (Mudhol).—Mr. Speaker, I have also moved a privilege motion against the Minister for Co-operation, contending that the Hon'ble Minister with the intention of suppressing maliciously, the management of the Gadag Co-operative Society has not placed before this House this notification No. 173 CDMT.....

Mr. SPEAKER.—That is a different point. I shall call upon the member later. This is only an alleged illegality or *ultra vires* character of the notification issued by the Government.

ಶ್ರೀ ಎಸ್. ಗೋಪಾಲಗೌಡ (ತೀರ್ಥಹಳ್ಳಿ).—ತಾವು ಹೇಳಿದ್ದು ಕೇಳಿದೆ. ತಾವು ಕನ್‌ಸೆಂಟ್ ಕೊಡದೇ ಇರಬಹುದು ಎನ್ನುವ ಭಯಕ್ಕಾಗಿ ಒಂದೆರಡು ಮಾತುಗಳನ್ನು ಹೇಳುತ್ತೇನೆ. ತಾವು ರೂಲಿಂಗ್ ಕೊಟ್ಟಮೇಲೆ ಅದನ್ನು ಪ್ರಶ್ನೆಮಾಡುವುದು ಕಷ್ಟವಾಗುತ್ತದೆ. ತಾವು ರೂಲ್ 177ರ ಪ್ರಕಾರ ಕನ್‌ಸೆಂಟ್ ಕೊಡುವಾಗ "ವೆದರ್ ದಿ ಮೋಷನ್ ಈಸ್ ಇನ್ ಆರ್ಡರ್ ಆರ್ ನಾಟ್" ಅಷ್ಟನ್ನೇ ತಾವು ನೋಡಬೇಕು. ಅದಕ್ಕಿಂತ ಹೆಚ್ಚಿಗೆ ನೋಡಿ ಕನ್‌ಸೆಂಟ್ ಕೊಡುತ್ತೇನೆ ಎಂದು ಹೇಳಿದರೆ, ಅದು ಸರಿಯಾದ ಕ್ರಮ ಆಗುವುದಿಲ್ಲ. ನಾನು ಕೇಳಿಕೊಳ್ಳುವುದು ಇಷ್ಟೆ. ಶ್ರೀ ನಾಗಪ್ಪನವರಾಗಲೀ, ಶ್ರೀ ರಾಜಯ್ಯಶೆಟ್ಟಿಯವರಾಗಲೀ ಅಥವಾ ಶ್ರೀ ರಂಗನಾಥರವರಾಗಲೀ ತಮ್ಮ ಹಕ್ಕುಭಾದ್ಯತೆ ಸೂಚನೆಯ ನಿರ್ಣಯದಲ್ಲಿ ರೂಲ್ 179ರಲ್ಲಿ ಮೂರು ನಿಯಮಗಳನ್ನು ಏನು ಹೇಳುತ್ತಾರೆ, ಅವನ್ನು ಪಾಲಿಸಿದ್ದಾರೆಯೇ ಅಥವಾ ಆ ನಿಯಮಗಳ ಒಳಗಡೆ ಸೂಚನೆ ಬರುತ್ತದೆಯೇ? ಆ ಮೂರು ನಿಯಮಗಳು ಏನು ಎಂದರೆ:

(1) Not more than one question shall be raised at the same sitting.

(2) The question shall be restricted to a specific matter of recent occurrence.

(3) The matter requires the intervention of the Assembly.

ನಾನು ಆ ಸೂಚನೆಗಳನ್ನು ನೋಡಿದ್ದೇನೆ. ನಾನೂ ಕೂಡ ಒಂದು ಸೂಚನೆಯನ್ನು ಕಳುಹಿಸಬೇಕೆಂದು ಇದ್ದೆ. ಆದರೆ ಶ್ರೀ ನಾಗಪ್ಪನವರು ಕಳುಹಿಸಿದಮೇಲೆ ಮತ್ತೊಂದು ಸೂಚನೆ ಕಳುಹಿಸುವ ಅವಶ್ಯಕತೆ ಇಲ್ಲವೆಂದು ನಾನು ಕಳುಹಿಸಲಿಲ್ಲ. ಇದರಲ್ಲಿ ನನಗೆ ಅನ್ನಿಸುತ್ತದೆ, ಈ ಸಭೆಗೆ ಕಾನೂನನ್ನು ಮಾಡತಕ್ಕ ವಿಶೇಷವಾದ ಹಕ್ಕು ಏನಿದೆ, ಅದನ್ನು ಸ್ಪಷ್ಟವಾಗಿ ಸರಕಾರದವರು ಈ ನೋಟಿಫಿಕೇಷನನು ಹೊರಡಿಸಿದ ಮೂಲಕ ಕೋ ಆಪರೇಟಿವ್ ಸೊಸೈಟಿ ಆಕ್ಟಿನ 29ನೇ ವಿಧಿಯನ್ನು ತಿದ್ದುಪಡಿ ಮಾಡಿ, ಸಂಬಂಧಪಟ್ಟ ಅಧಿಕಾರವನ್ನು ತಾವು ವಹಿಸಿಕೊಂಡು ಸ್ಪಷ್ಟವಾಗಿ ಈ ಸಭೆಯ ಹಕ್ಕುಭಾದ್ಯತೆಗೆ ಲೋಪ ತಂದಿದ್ದಾರೆ. ಆದುದರಿಂದ ಈ ಸೂಚನೆ ಕ್ರಮವಾಗಿದ್ದುಪಕ್ಷದಲ್ಲಿ ತಾವು ಅದನ್ನು ಒಪ್ಪಿಕೊಂಡು, ಹಕ್ಕಿಗೆ ಲೋಪ ಬಂದಿದೆಯೇ, ಇಲ್ಲವೇ, ಅಂಥಾ ನೋಟಿಫಿಕೇಷನ್ ಯಾವ ರೀತಿಯಲ್ಲಿ ಆಕ್ಷನ್ನು ತಿದ್ದುಪಡಿ ಮಾಡುವುದಕ್ಕೆ ಅವಕಾಶ ಕೊಟ್ಟಿದೆ, ಆ ಅಧಿಕಾರ ದುರುಪಯೋಗವಾಗಿದೆಯೇ, ಇಲ್ಲವೇ ಎನ್ನುವುದನ್ನು ಪರಿಶೀಲನೆ ಮಾಡುವುದಕ್ಕೆ, ಪ್ರಿವಿಲೇಜಸ್ ಕಮಿಟಿಗೆ ಈ ವಿಷಯ ಹೋಗಬೇಕು ಎನ್ನುವುದು ನನ್ನ ಒತ್ತಾಯ.

Sri H. SIDDAVEERAPPA.—I will not take much time. I am not repeating any arguments. You have already given your mind to us. That is why we want to try to persuade you.

Mr. SPEAKER.—I have got certain ideas. I assure the Members that I have caught the point and I can well appreciate all the arguments on the point.

Sri H. SIDDAVEERAPPA.—I am much obliged. Now one simple point that will have to be considered while considering these various aspects, is if by subordinate legislation or by delegated power sufficient authority is vested under the Act, the statutory provision as contained in section 29 could be amended. That is one. I am given to understand, if I am wrong, I want the Minister to correct me—this was done in such a hush-hush manner, taking away the valuable right of this House without making a reference, a semblance of reference to the Legal Department. That is why I say: I am given to understand. I may be corrected if I am wrong by looking into the file. That apart, another point is, whether the Minister, when there are three notifications on the same subject matter, can he place one notification and not place the other two ?

Mr. SPEAKER.—That is another point.

Sri H. SIDDAVEERAPPA.—According to me, he has committed the contempt of this House by not placing the other notifications. I am separately dealing with it.

Mr. SPEAKER.—Do not refer to that now.

Sri H. SIDDAVEERAPPA.—My humble submission to you is, we are a sovereign body. Not the executive. We are only competent to legislate. They are there to carry out the behest of the House and every enactment that is passed. That is why many people are chary about the delegated legislation. Always there is some abuse under the guise of delegated power. That is why the Law Department is always there. Whatever may be the motive, the *mala fides* have been amply demonstrated : here is a society which is prepared to repay the money, but you refuse to take it. Then the Accountant General passes an order that the money may be credited to some other head. I am not referring to it now. The only simple point for consideration is, whether there is a breach of privilege or not. In my humble opinion, let the whole thing be thrashed out and let it be referred to the Privilege Committee and if the Minister for Co-operation has not committed any breach of privilege, let him come out with shining colours. Now his name is tarred that he ought not to have issued the notification.

Sri S. R. BOMMAI (Kundgol).—Sir, we shall not look at this matter on political grounds.

Mr. SPEAKER.—There cannot be only question of politics here. Hon'ble Members may please speak on the interpretation of rules only.

Sri S. R. BOMMAI.—Every member of this House is a potential Minister. As such, when we look at the issue of the Notification, we should view it with great responsibility and understand the responsibility of the Executive also. Views are expressed that the Notification should not have been placed before the House. There is no harm or mistake in placing the Notification on the Table of the House.

Another important point is, without saying anyting about the merit of the Notification issued, we have to look at the Notification from the standpoint of administration of the State. We have to see whether Government has powers enough to do this. In my humble opinion, if there is malpractice in the society or misappropriation of funds, in the interest of justice and public interest, Government has been given such a power to exercise it in a judicial manner. Therefore, there is no privilege so far as the issue of the Notification is concerned. Government has ample powers. In this particular case, the High Court is seized of the mattere and therefore, we are not permitted to discuss it. If the High Court comes to the conclusion that the Executive has acted *ultra vires* of the Act or exceeded its powers, then the question may be considered. Till then this motion should be postponed.

Sri S. S. SHETTAR.—I refer to Section 121 :

> "The State Government may by general or special order published in Official Gazette exempt any co-operative society or any class of society from all the operations of this Act..."

Government seems to have exempted section 29 in this case. It does not violate any rules apart from the political motive.

Sri K. H. PATIL (Hubli).—Sir, the member is misrepresenting the fact. I correct my hon'ble friend. He must know that no exemption has been made to the Gadag Co-operative Society, but, on the other hand it has amended the Section contrary to the decision of the Supreme Court.

Sri AZIZ SAIT.-My learned friend Sri Bommai justified the placing of the Notification on the floor of this House. On the part of the Government they are empowered to issue any notification. The argument here is if a notification is placed, whether a member has the right to bring amendment to the Notification.

Mr. SPEAKER.—It is not the point now before the House. The point is about the issue of the Notification and not placing it.

Sri M. NAGAPPA.—Sir, I want your permission to cite a quotation I have in my hand.

Mr. SPEAKER.—Nothing prevented the hon'ble member fro n doing so while he was speaking. It is not fair now. He may kindly pass it on to the Chair.

Sri M. NAGAPPA.—I will pass on this book to you. But I would like that the whole House knew about it.

Mr SPEAKER.—I shall look into it. Hon'ble member may mark the quotation and pass it on to me.

Sri M. NAGAPPA.—I want that all the members should know it. If I am not given an opportunity, at least the hon'ble Chair may see that this decision may be read for the information of the House.

Mr. SPEAKER.—That I will do.

Sri M. NAGAPPA.—On that assurance, I will give to the Chair.

Sri B. B. SAYANAK.—The Hon'ble member must be allowed to read.

Sri M. NAGAPPA.—It will take only five minutes, Sir.

Mr. SPEAKER.—I am not listening. The hon'ble member had his opportunity. If he wants me to go through it, I shall go through it very carefully and if necessary I will reserve my ruling and make a reference to it in my ruling.

Sri AZIZ SAIT.—It is not for the benefit of only the Chair and the hon'ble member. It should be brought to the notice of the House. We must know what it is.

Sri K. H. PATIL.—With great respect I submit that it is not enough if the Speaker comes to the conclusion to take a decision. After all the House should know what are the rulings that have been cited by the hon'ble member. The House should know what are the arguments and what are the rulings given by the Chair. We are not here to challenge your rulings. If we are not satisfied with your rulings there are procedures to be followed under the rules. So in order to come to the conclusion we cannot, all on a sudden, decide arbitrarily like the Mysore Government. We have to consider the pros and cons of the case. Therefore to arrive at that conclusion we would like to know what is the ruling that my friend is referring to. Though you have a right to decide a point of order we have the right to know what it is and whether the point of order raised is right or not and whether the decision given is judicious or not. That must be our right and it should not be curtailed. It is not the question of point of time. The decision to be given on the point of order will be there for years to come. Your decision is binding on every one of us. The Assemblies that have yet to come would have to rely on your ruling. So in order to make it more firm and judicious, I request the Chair to allow Sri Nagappa and if need be any other member to address elaborate arguments to enable you to give a perfect and judicious ruling.

Thank you.

Mr. SPEAKER.—Now there should be some system and method. Under the rules, in fairness to every member concerned, I wanted to give an opportunity to explain before coming to the decision whether the Chair should or should not give consent to the present proposition. Having argued the case for nearly half-an-hour, the hon'ble member wants to do it again.

Sri M. NAGAPPA.—I am trying to say nothing except to give certain rulings.

Mr. SPEAKER.—The hon'ble member is an Advocate. The Chair has to learn from him if he so likes.

Sri AZIZ SAIT.—The hon'ble member wants to read the ruling.

Mr. SPEAKER.—Here every hon'ble member can speak on his own behalf. No other member should advocate the cause of the other.

Sri AZIZ SAIT.—It is a joint team.

Mr. SPEAKER.—Sri Nagappa is quite competent to plead his case.

Sri AZIZ SAIT.—Then why do you require the Parliamentary Affairs Minister to argue on behalf of Sri Nadgouda?

Mr. SPEAKER.—Now so much time is lost. I would have easily permitted Sri Nagappa to put forward his case. Sri Nagappa should not be under the impression that I am preventing him. But it is a question of principle. There ought to be some discipline. I assure Sri Nagappa, that whatever decision he may forward, I shall go through them and make a reference to them if the House is eager enough. There ought to be some method in doing it. I have every respect for him. The hon'ble member may pass on to me the book and I shall go through it. I would make a reference to his point and with an open mind try to be convinced. He should not be under the impression that I am going to overlook it.

The hon'ble member Sri Aziz Sait objected to the hon'ble Minister for Parliamentary Affairs speaking. Since the Government has issued the notification the Government is a party and if they have an explanation to make, they may make it. I call upon the Minister for Parliamentary Affairs to speak.

Sri K. H. PATIL.—May we know what that ruling is?

Mr. SPEAKER.—I shall read it while giving the ruling.

Sri K. PUTTASWAMY (Minister for Labour).—Sir, Sri Nagappa has raised a very interesting point.

Sri H. SIDDAVEERAPPA.—He is a headache to you.

Sri K. PUTTASWAMY.—Having been for some time an Advocate I think Sri Siddaveerappa will concede that whenever legal points are raised, I welcome them.

Some section of this House seems to be very much exercised over the exercise of the powers conferred on the Government under section 121 of the Co-operative Societies Act. I very much appreciate the approach of Siddaveerappa. I may assure the House that I am second to none in trying to safeguared the rights and privileges of this House. I would not like the privileges of any hon'ble member to be ignored by the Government. Incidentally it raises another interesting point and also a point which has a far reaching effect. It is contended that the Government

have exercised this power under the powers delegated under section 121. The hon'ble members are aware that in almost every enactment powers are delegated to the Government. Rule-making power is given to the Government and the Government is exercising it day in and day out the powers vested in them under several enactments by framing rules. If on some day it is found that the Government have exercised the rights vested in them wrongly or the Government have framed a rule which is *ultra vires* of the powers vested in them, and they are hauled up here for contempt of this House or committing a breach of privilege, then I submit that no Government would undertake the responsibility that is going to be vested in them under the rule-making power. In this case we have to see whether the Government have exercised powers beyond the powers vested in them. This is not the first occasion when Government have exercised powers vested in them under section 121. There have been occasions when the exercise of power of Government under section 121 to modify the provisions of Section 29 was challenged in the High Court.

3-00 P.M.

ಶ್ರೀ ಎಸ್. ಗೋಪಾಲಗೌಡ.—ತಾವು ಹೇಳಿದ ಪ್ರಕಾರ ಒಂದು ಆಕ್ಟ್‌ನಲ್ಲಿರತಕ್ಕಂತಹ ಗೊತ್ತಾದ ವಿಧಿಯನ್ನು ನೋಟಿಫಿಕೇಶನ್ ಮೂಲಕ ರದ್ದುಪಡಿಸಲಿಕ್ಕೆ, ಮೂರನ್ನು 16 ಮಾಡುವುದಾಗಲಿ, ಅಧಿಕಾರ ಬರುತ್ತದೆಂದು ಹೇಳುತ್ತೀರಿ. ಕಾನೂನು ತಿದ್ದುಪಡಿ ಮಾಡುವುದಕ್ಕೆ ಬರುತ್ತದೆಂದು ಹೇಳುತ್ತೀರಿ. ಆಗ ಈ ಕಾನೂನು ಏಕೆ ಮಾಡಬೇಕು?

Sri K. PUTTASWAMY.—I am thankful to the hon'ble member Sri Gopal Gowda. As is usual, with him he pointedly drew the attention of the House to the question. I think I would not have been capable of bringing it pointedly to the attention of the House. The point is whether the Government in exercise of powers vested in them under section 121 can modify section 29. I wish to submit that this is not the first time that the Government exercised such powers. As I am aware, the Government exercised this power in the case of the Dharwar Distsict Oil Processing Co-operative Society. The Government exercised this power in respect of the Kampli Co-operative Sugar Factory. I was then holding charge of the Department of Co-operation and I think I appointed 16 members. I do not remember the exact number, but anyway it was more than 3. That appointment was challenged in the High Court and it was upheld. So I submit that there is absolutely no breach of privilege. I also submit that wrong exercise of delegated function or framing of a wrong rule would not amount to breach of privilege.

Sri K. H. PATIL.—He has gone wrong on facts. I want to correct him. In the case of the Dharwar Society he did it by getting the bye-laws amended by the general body in purusance of a request. So when he made a reference to that Society here, I wish to correct him on facts. Let him not give a wrong impression.

Sri K. PUTTASWAMY.—I am very thankful to hon'ble member. In that case the bye-law of the Society was got amended at the general body meeting. But what I was referring to was that the Government had allowed certain number of persons to be elected by the general body. For that purpose an amendment of the bye-law became necessary. What I wish to submit is that when this power is exercised even if it is a wrong exercise of the power it would not amount to breach of privilege.

Mr. SPEAKER.—I have heard weighty arguments on both the sides. Hon'ble members Sriyuths Nagappa, Rajaiah Shetty, Ranganath. Gopal Gowda, Siddaveerappa and many others have advanced arguments. Hon'ble Minister for Parliamentary Affairs also has put forward his arguments from his side. I shall apply my mind to all these arguments and give my ruling tomorrow.

Now the House will adjourn for half-an-hour.

The House rose Ten Minutes past Three of the Clock to re-assemble at Forty Minutes past Three of the Clock.

The House re-assembled at Forty Minutes past Three of the Clock.

[MR. SPEAKER in the Chair]

Mr. SPEAKER.—I will now give the hon'ble Member Sri Ganga Bovi an opportunity to make a statement to persuade me to give consent or not. Then I will hear the Deputy Minister Sri Manick Rao and give my ruling tomorrow.

(*Sri Ganga Bovi and Sri Manick Rao were absent*)

Mr. SPEAKER.—Since both of them are not here now, the matter will be taken up to morrow or day-after-tomorrow. The hon'ble Member Sri Ganga Bovi should not make a complaint. He ought to have been present here now.

CALL ATTENTION NOTICE *re* : NON-IMPLEMENTATION OF TEXTILE BOARD AWARD IN KRISHNA SPINNING AND WEAVING MILLS, ETC., BANGALORE.

Sri M. S. KRISHNAN.—Sir, I call the attention of the Minister for Labour to the serious situation arising out of insecurity of jobs, large scale dismissal and non-implementation of first Textile Wage Board Award in Krishna Spinning and Weaving Mills, Ramkuamr Mills and Bhadra Spinning Mills, Bangalore.